

12149. Adulteration of canned field peas. U. S. v. Roy O. Kelley (R. O. Kelley Cannery). Plea of nolo contendere. Defendant fined \$300 and placed on 2 years' probation. (F. D. C. No. 22098. Sample Nos. 54584-H, 54585-H, 54588-H.)

INFORMATION FILED: June 27, 1947, Southern District of Georgia, against Roy O. Kelley, trading as the R. O. Kelley Cannery, Midville, Ga.

ALLEGED SHIPMENT: On or about August 29 and 30, 1946, from the State of Georgia into the State of South Carolina.

LABEL, IN PART: "Kelley's Best Georgia Field Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 29, 1947. A plea of nolo contendere having been entered, the defendant was fined \$300 and placed on 2 years' probation.

12150. Adulteration of canned field peas with snaps. U. S. v. Olin A. Kent (Kent Canning Co.). Plea of nolo contendere. Defendant fined \$300 and placed on 2 years' probation. (F. D. C. No. 22099. Sample Nos. 54632-H, 54655-H, 54838-H.)

INFORMATION FILED: June 27, 1947, Southern District of Georgia, against Olin A. Kent, trading as the Kent Canning Co., at Gibson, Ga.

ALLEGED SHIPMENT: On or about August 4 and 12 and September 2, 1946, from the State of Georgia into the State of Florida.

LABEL, IN PART: "Kent's Pride Georgia Field Peas With Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 29, 1947. A plea of nolo contendere having been entered, the defendant was fined \$300 and placed on 2 years' probation.

12151. Adulteration of canned field peas with snaps. U. S. v. Russell and Decker Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 22085. Sample No. 54661-H.)

INFORMATION FILED: June 17, 1947, Southern District of Georgia, against Russell and Decker Co., a corporation, Waynesboro, Ga.

ALLEGED SHIPMENT: On or about July 26, 1946, from the State of Georgia into the State of Florida.

LABEL, IN PART: "Russell's Foods * * * Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 29, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

12152. Adulteration of canned field peas with snaps. U. S. v. 367 Cases * * *. (F. D. C. No. 22110. Sample No. 54811-H.)

LIBEL FILED: December 23, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 2, 1946, by Pearce Young Angel Co., from Augusta, Ga.

PRODUCT: 367 cases, each containing 24 1-pound, 4-ounce cans, of field peas with snaps at Asheville, N. C.

LABEL, IN PART: "Russell's Foods * * * Field Peas with Snaps Packed By Russell & Decker Co. Lakeland, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: February 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be disposed of for use as animal feed.

12153. Adulteration of canned field peas with snaps. U. S. v. 108 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22151 to 22153, incl. Sample Nos. 55104-H to 55106-H, incl.)

LIBELS FILED: January 16, 1947, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 19, 1946, by the Tri-State Sales Company, from Waynesboro, Ga.

PRODUCT: 108 cases, 55 cases, and 224 cases of canned field peas with snaps at Tallahassee, Fla. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Golden Isle Tasty Foods Field Peas with Snaps * * *
Packed by The Ploeger-Abbott Company Waynesboro, Georgia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (The article contained larvae.)

DISPOSITION: March 28, 1947. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

12154. Adulteration of frozen peas. U. S. v. 400 Cartons * * *. (F. D. C. No. 22286. Sample Nos. 76132-H, 91081-H.)

LIBEL FILED: February 20, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1946, by J. Isaacs, from Georgetown, Del.

PRODUCT: 400 50-pound cartons of frozen peas at New York, N. Y.

LABEL, IN PART: "Early June Peas John S. Isaacs & Sons Ellendale, Delaware."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a sour and decomposed substance.

DISPOSITION: March 22, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12155. Misbranding of canned sweet red peppers. U. S. v. 475 Cases * * *. (F. D. C. No. 22687. Sample No. 64935-H.)

LIBEL FILED: On or about March 12, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about October 9, 1946, by the Giambanco Packing Co., from Claribel, Oakdale, Calif.

PRODUCT: 475 cases, each containing 72 6½-ounce cans, of sweet red peppers at New Haven, Conn.

LABEL, IN PART: "Pee-Gee Brand Sweet Red Peppers * * * Seeds Removed * * * Net Weight 6½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Seeds Removed" was false and misleading; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (a), (portion of product) the label statement "Sweet Red Peppers" was false and misleading. (The article was short-weight; numerous seeds were found in the peppers; and a portion consisted of hot peppers.)

DISPOSITION: October 24, 1947. The Pepe-Maisano Co., New Haven, Conn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, the sweet peppers to be relabeled and the hot peppers to be relabeled or destroyed, under the supervision of the Food and Drug Administration.

12156. Misbranding of canned sweet red peppers. U. S. v. 50 Cases * * *. (F. D. C. No. 22642. Sample No. 41272-H.)

LIBEL FILED: March 18, 1947, Western District of Arkansas.

ALLEGED SHIPMENT: On or about December 19, 1946, by Leverton and Company, from San Benito, Tex.

PRODUCT: 50 cases, each containing 48 7-ounce cans, of sweet red peppers at Camden, Ark. Examination showed that the product was decomposed.

LABEL, IN PART: "World Over Fancy Sweet Peppers."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned red sweet peppers, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: September 2, 1947. Default decree of condemnation and destruction.

12157. Adulteration of pickles. U. S. v. 60 Cases * * *. (F. D. C. No. 22177. Sample No. 54742-H.)

LIBEL FILED: On or about January 17, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 7, 1946, by L. Allen and Sons, from O'Fallon, Ill.

PRODUCT: 60 cases, each containing 24 1-pint jars, of pickles at Conley, Ga.